

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

MICHAEL E. KOHN, et al.,)
Plaintiffs,)
v.) No. 4:15-CV-01263-AGF
LEONARD KOMEN, et al.,)
Defendants.)

ORDER

This matter is before the Court upon Plaintiffs' motion for default judgment as to Defendant Gaol Holdings, LLC. (Doc. No. 80.) Plaintiffs have failed to file a memorandum of law in support of their motion. "Upon default, the factual allegations of a complaint (except those relating to the amount of damages) are taken as true, but it remains for the court to consider whether the unchallenged facts constitute a legitimate cause of action, since a party in default does not admit mere conclusions of law." *Murray v. Lene*, 595 F.3d 868, 871 (8th Cir. 2010). Plaintiffs must file a memorandum of law setting forth relevant legal arguments with respect to their request for judgment on each count, including citations to any authorities on which they rely. See Local Rule 4.01(A).

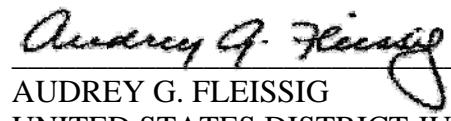
The Court will also require Plaintiffs to file all necessary affidavits and documentation to establish the amount of their damages. *See St. Louis-Kansas City Carpenters Reg'l Council v. Joseph Constr., Inc.*, No. 4:16-CV-00929-AGF, 2016 WL 6524342, at *2 (E.D. Mo. Nov. 3, 2016) (noting that allegations of damages are subject to a higher degree of proof than other factual allegations in a complaint, and that “[d]amages may be proven by a sworn affidavit and

supporting documentation") (citations omitted).

Accordingly,

IT IS HEREBY ORDERED that Plaintiffs shall, within **fourteen (14) days** of the date of this Order, file a memorandum of law in support of their motion for default judgment as to Defendant Gaol Holdings, LLC, and attach to that memorandum all necessary affidavits and documentation to establish the amount of their damages.

Failure to comply with this Order may result in dismissal of Plaintiffs' complaint as to the above-named Defendant without prejudice.



AUDREY G. FLEISSIG
UNITED STATES DISTRICT JUDGE

Dated this 8th day of December, 2016.